



PUBLIC NOTICE

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WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON PETITIONS FOR TEMPORARY WAIVER OF DEADLINE BY WHICH DIGITAL WIRELESS SYSTEMS MUST BE CAPABLE OF TRANSMITTING 911 CALLS FROM TTY DEVICES

CC DOCKET NO. 94-102

Comments Due: April 8, 2002**Reply Comments Due: April 18, 2002**

In the *Fourth Report and Order* in the Enhanced 911 (E911) proceeding, the Commission established June 30, 2002, as the deadline by which digital wireless service providers must be capable of transmitting 911 calls using TTY devices.¹ The following small, rural wireless carriers have filed petitions for temporary waiver of this rule: Enterprise Wireless PCS, Illinois Valley Cellular RSA 2-I Partnership, Illinois Valley Cellular RSA 2-II Partnership, Illinois Valley Cellular RSA 2-III Partnership (collectively "IVC"), Missouri RSA No. 7 (d/b/a Mid-Missouri Cellular or "MMC"), and Public Service Cellular ("PSC"). The Wireless Telecommunications Bureau seeks comment on these petitions.

All of the petitioners are small, rural carriers providing Commercial Mobile Radio Service (CMRS) using Time Division Multiple Access (TDMA). The petitioners argue that present circumstances make compliance with the June 30, 2002, deadline unduly burdensome. Specifically, they point out that several major wireless carriers (including Cingular, AT&T, and US Cellular) have indicated their intention to migrate their TDMA deployments to other, non-compatible digital technology. The decisions of these carriers led to the announcements by virtually all major cellular infrastructure providers, including Nortel (the petitioners' infrastructure provider), of plans to cease development of new features and functionalities for their TDMA infrastructure equipment. The petitioners also point out that most handset providers have ceased development of new TDMA handsets and express doubt as to whether TDMA TTY-compatible handsets will be made commercially available. Further, they estimate that it will cost each system nearly two million dollars to make their current TDMA networks TTY-compatible.

The petitioners request a waiver of the June 30, 2002, final implementation deadline until December 31, 2003, to enable them to migrate to an alternate digital air interface and to implement TTY compatibility in their networks. The petitioners point out that a grant of their waivers would not preclude access to 911 services by TTY devices in the meantime because those devices could still continue to be used with wireless telephones in the analog mode. The petitioners state that they will continue to provide the

¹ Revision of the Commission's Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, Fourth Report and Order, 15 FCC Rcd 25216, 25218 (2000) (*Fourth Report and Order*). See also 47 C.F.R. § 20.18(c) and accompanying note (2001). In addition, these carriers were to have obtained software and equipment necessary to implement this capability in their networks by December 31, 2001. *Fourth Report and Order*, 15 FCC Rcd at 25218. The petitioners have also requested a waiver of this deadline because of delays in the general release of the necessary Nortel software.

Commission with quarterly updates on the status of development and deployment throughout the waiver period, including a full disclosure of any requests for a TDMA TTY-compatible handsets received during the quarter.

Unless otherwise provided, requests for waiver of the Commission's Rules are subject to treatment by the Commission as restricted proceedings for *ex parte* purposes under Section 1.1208 of the Commission's Rules, 47 C.F.R. § 1.1208. Because of the policy implications and potential impact of this proceeding on persons not parties to the waiver requests, we believe it would be in the public interest to treat this case as a permit-but-disclose proceeding under the *ex parte* rules. See Sections 1.1200(a), 1.1206 of the Commission's Rules, 47 C.F.R. §§ 1.1200(a), 1.1206. Therefore, subsequent to the release of this *Public Notice*, *ex parte* presentations that are made with respect to the issues involved in the subject waiver requests will be allowed but must be disclosed in accordance with the requirements of Section 1.1206(b) of the Commission's Rules, 47 C.F.R. § 1.1206(b).

Pursuant to Sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments on or before April 8, 2002, and reply comments on or before April 18, 2002. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.² Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply. Parties who choose to file by paper must file an original and four copies of each filing. All filings must be addressed to the Commission's Acting Secretary, William F. Caton, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Washington, D.C. 20554. Filings can be sent first class by the U.S. Postal Service, by an overnight courier or hand and messenger-delivered. Hand and messenger-delivered paper filings must be delivered to 236 Massachusetts Avenue, N.E., Suite 110, Washington, DC 20002. Overnight courier (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. In addition, a diskette copy should be sent to the Commission's copy contractor, Qualex International, Portals II, 445 12th Street, S.W., Room CY-B402, Washington, DC, 20554, telephone 202-863-2893, facsimile-202-863-2898, or via e-mail qualexint@aol.com.

The full text of the waiver petitions, comments and reply comments will be available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC, 20554. This document may also be purchased from the Commission's duplicating contractor. Alternative formats (computer diskette, large print, audio recording and Braille) are available to persons with disabilities by contacting Brian Millin, of the Consumer Information Bureau, at (202) 418-7426 (voice) or (202) 418-7365 (TTY), or at bmillin@fcc.gov. This Public Notice can also be downloaded in Text and ASCII formats at: <http://www.fcc.gov/cib/dro>. For further information concerning this proceeding, contact Mindy Littell, Policy Division, Wireless Telecommunications Bureau, at (202) 418-1310 (voice) or (202) 418-1169 (TTY).

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² See Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24121 (1998).